

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
WESTERN DIVISION

LEVONTAY CONNER

PLAINTIFF

VS.

CIVIL ACTION NO. 5:05cv79-JCS

VIRGINIA SLACK, ET AL.

DEFENDANTS

JUDGMENT

For the reasons set forth in the Memorandum Opinion and Order entered this date and in the Memorandum Opinion and Order entered June 13, 2006 (docket entry number 29), the Court hereby dismisses this case with prejudice as frivolous¹ as to all Defendants. Accordingly, it is hereby

ORDERED AND ADJUDGED that judgment be and is entered in favor of the Defendants, and this entire action is dismissed with prejudice as frivolous.

SO ORDERED AND ADJUDGED, this the 20th day of October, 2006.

s/ James C. Sumner
UNITED STATES MAGISTRATE JUDGE

¹The term "frivolous" in the context of 28 U.S.C. § 1915(e) does not mean that the plaintiff has failed to state a claim, "but it is to be equated with the raising of a wholly insubstantial federal claim." Wilson v. Barrientos, 926 F.2d 480, 482 (5th Cir. 1991). In other words, the action may be dismissed if it has no arguable basis for relief either in law or fact. Eason v. Thaler, 14 F.3d 8, 9 (5th Cir. 1994). Thus, a case may be found to be legally "frivolous" where it seeks to assert a "right" or address a "wrong" clearly not recognized by federal law. See, e.g., Neitzke v. Williams, 490 U.S. 319 (1989).